

REMARKS

Status of the Claims

Withdrawn - Claims 1-10 (Withdrawn)

Currently Amended - Claims 11, 17, 18, 20, and 21

Original - Claim 12 and 15

Canceled - Claims 13, 14, 16 and 19

Claim Rejections under 35 U.S.C. § 101

The Examiner has rejected claims 11, 12, 14, 15, 17, and 21 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Specifically, the Examiner has stated that the claims fail to incorporate a computer implemented method. Applicant has amended the claims to indicate that electronic tax return data and a related income tax refund amount is obtained using an electronic tax preparation system and that electronic funds transfer is used to transfer a portion or all of the income tax refund amount to an account for a third party spending vehicle provider. In view of Applicant's amended claims, Applicant respectfully traverses the rejections.

Applicant respectfully submits that the claims indicate clearly that a computer is employed at various steps in the claimed method and therefore, the invention is a computerized method and is directed to statutory subject matter. Specifically, the claims indicate that an electronic tax preparation system is used to obtain tax return data and an income tax refund amount. Claim 21 indicates the electronic tax preparation system may be electronic tax preparation software that a taxpayer uses to prepare an income tax return and select a spending vehicle. Claim 11 further

indicates that the step of transferring a portion or all of an income tax refund amount to a spending vehicle provider account is performed electronically.

Claim Rejections under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-15 and 17-20 under 35 U.S.C. § 103(a) as being unpatentable over Longfield in view of Hagemier and Lucero. It is the Examiner's position that it would be obvious to combine the tax refund system of Longfield with the credit card of Hagemier to obtain the present invention. The Examiner has further stated that Hagemier discloses combining a credit card with a tax crediting vehicle so that the credit obtained from the taxing system may be used toward purchases of products using the credit card. The Examiner has further stated that the combination of Longfield and Hagemier does not disclose a taxpayer selecting a spending vehicle to which a credit is returned. It is the Examiner's position that Lucero teaches allowing a user to select any one of a number of credit vehicles to which credited winnings from a gaming device are transferred. Finally, the Examiner has stated that Furuhashi teaches an electronic check that is payable to a specified payee.

Applicant has the amended claims and specifically claim 11 to indicate that a spending vehicle provider issues to a taxpayer a spending vehicle in exchange for an assignment of at least a portion of the taxpayer's income tax refund to the spending vehicle provider. Applicant's invention allows businesses to provide taxpayers with incentives to shop at their businesses by allowing them to use spending vehicles at their places of business in exchange for the right to receive a portion or all of the taxpayer's tax refund. Applicant's invention drives taxpayers to a particular business

and therefore, provides benefits to businesses as well as taxpayers. In view of Applicant's amended claims, Applicant respectfully traverses the rejections.

Longfield teaches a refund anticipation loan (RAL) which allows a taxpayer to receive a loan prior to processing of the taxpayer's tax return and receipt of a refund. In Longfield, a taxpayer remains obligated under the terms of the loan. If the loan is not repaid for any reason, the taxpayer remains obligated to the financial institution to repay the loan. With Applicant's invention, a taxpayer is not required to apply for a loan as taught by Longfield. More importantly, as acknowledged by the Examiner, Longfield does not teach providing a spending vehicle to a taxpayer based on a tax refund amount assigned to the third party spending vehicle provider.

Hagemier teaches a VAT card or combination VAT/credit card for tracking purchases to determine the amount of a VAT owed to a taxing authority. If certain conditions are met, the card holder may be entitled to a refund of the VAT amount. The refund amount may be applied as a credit to a personal account or a check may be issued to the taxpayer. The credit card in Hagemier is used only to track purchases. There are no third party spending vehicle providers in Hagemier that offer spending vehicles to taxpayer's in exchange for an assignment of the taxpayer's tax refund payment. Like Longfield, Hagemier does not teach providing a spending vehicle to a taxpayer based on a tax refund amount assigned to the third party spending vehicle provider.

Applicant respectfully submits that the combination of Longfield and Hagemier does not teach or even suggest a system and method that allow a third party spending vehicle provider to accept an assignment of at least a portion of a tax refund and to issue a spending vehicle to the taxpayer in exchange for the portion of the tax refund that is assigned. Applicant's invention therefore benefits businesses

by allowing them to offer spending vehicles to taxpayers and allowing them to be compensated for the spending vehicles by accepting an assignment of the taxpayers' refund. Applicant respectfully further submits that because Longfield and Hagemier do not teach or even suggest third party spending vehicle providers, the references cannot be combined with the Lucero and Furuhashi references to support the present rejections. Applicant respectfully submits that the present application is in condition for allowance and such action is requested.

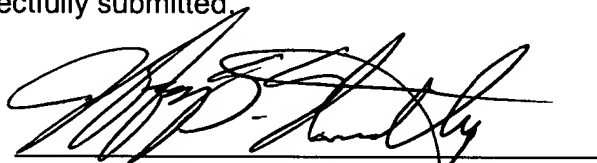
Enclosed with this response is an Applicant Initiated Interview Request Form (PTOL-413A) for Applicant's interview scheduled with the Examiner for October 6, 2004 at 2:00 PM to discuss the present application.

Respectfully submitted,

Date:

9/30/04

By:



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